From Alicante to Munich - the EPO appoints its new President

The EPO has announced that Antonio Campinos has been elected as its new President. His appointment will be for a five-year term starting on 1 July 2018.

Mr. Campinos, a Portuguese national, is currently Executive Director of the European Union Intellectual Property Office (EUIPO). He is also a former President of the Portuguese Institute of Industrial Property (INPI). In his welcome to his successor, current President of the EPO Benoît Battistelli hailed the appointment of Mr. Campinos as "a victory for Europe in its diversity", being the first time a national from the South of Europe has been appointed the head of the EPO.

In his role at the EUIPO, formerly known as OHIM, Mr. Campinos presided over the expansion of the office's facilities and the introduction of management and organizational changes.

Mr. Campinos has a degree in Law from the University of Montpellier, a postgraduate degree in Intellectual Property Studies from the University of Nancy, and a Masters' degree in Public Law from the University of Montpellier. He worked for the Portuguese Ministry of Economy and Innovation before becoming Director of Trademarks at the INPI in 2000. He has been Chairman of the Board of Directors at the University of Strasbourg Centre for Intellectual Property Studies (CEIPI) since 2013.

Merpel welcomes Mr. Campinos to the exciting world of European Patents.

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I agree with Max3. I see poor examination quality (sometimes to the detriment of my clients, sometimes to their benefit),
**The IPKat's most-read posts in the past 30 days**

- Curtain – Merpel’s final EPO post
- As many kind readers have pointed out, the frequency of Merpel’s visits to the blog has been decreasing. This is, alas, not a big...
- Book Review: The Fundamental Right to Data Protection
- At last... the 1790 Copyright Blog
- The Almost-Halloween Copycat!
- Afro-IP – african intellectual property law, practice and policies
- Reflections on the Crammer(TM)
- jilj
- The Authors’ Take – Spiegel Online: Do copyright exceptions and fundamental rights make easy bedfellows?
- MARQUES Class 46 Blog
- Bundesgerichtshof: It is not over yet for the packet in the pocket
- The SPC blog
- Teroflov – the Swiss Bundespatentgericht goes for the infringement test
- IP finance
- New report commissioned by UK IPO on IP valuation market:
- Observations by the authors
- SOLO Independent IP Practitioners
- India and an Independent trademark system
- Art and Artificial
- How art and law can work together beyond the marketplace
- Patxi: patent litigation law, practice and strategy
- Recruitment of UPC judges is now open
- MARQUES – Class 99 (Designs)

**The IPKat’s most-read posts in 2013 and 2014**

- The Portuguese AC member hasn’t exactly been particularly vocal in condemning BBs behaviour, and Campinos is clearly a member of the French school, so I am sceptical, but let’s give him the benefit of the doubt.
- Better late than never. I was beginning to think that IPKat had given up entirely on matters pertaining to the EPO and the EPC.
- On a more serious note, I am prepared to put my scepticism aside and see how Mr Campinos performs before making any conclusions on whether it is a good or a bad thing that he has been appointed as the new President of the EPO. In the meantime, I will be much more interested to see how another “newie” performs: Mr Ernst, the Chairman of the AC. My hope is that the AC will grow a backbone and start taking its role as a supervisory authority more seriously.
- In this regard, does anyone know the fate of CA/103/17 (https://regmediagroup.co.uk/2017/10/10/epo-reforms-pdf)? If the AC failed to block the heuristic proposals in that document, then we will be able to say with certainty that, even under the new chairman, the AC is much more of a lapdog than a watchdog.
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- EPO Tracker, (...)
- surreptitiously trying to cover up her privacy-offending activity
- ala, not a sig...
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out for the count...

Saturday, 17 October 2017 at 20:16:00 BST

Anonymous said...

Sorry guys but you seem to be very critical about the quality of work at the EPO and this is not fair.

Look this chart : https://www.suepo.org/documents/42912/54300.pdf

Anonymous said...

GLDGER. Nothing else but money matters at EPO.

Anonymous said...

GLDGER. Nothing else but money matters at EPO.

Tuesday, 17 October 2017 at 22:12:00 BST

Anonymous said...

Re. the quality of work at the EPO, here's my two pennies' worth:

I'm a former EPO examiner, currently working as a professional representative, prosecuting quite a lot of applications both in Europe and overseas, and in both domestic and overseas clients. Consequently, I believe I have a decent insight into the current and past situation, as well as some points of comparison with other patent offices. My evidence is of course purely anecdotal, but I believe it to be rather representative.

Examination quality at the EPO has historically had three strong points and one weak point: the strong points were quality of search, supervisory of the primary examiners' work thanks to the three sets of eyes system at the examination division, and consistency in the evaluation of inventive step thanks to the problem-solution approach and how it's drilled into examiners' heads during training.

The historically weak point has always been bad training concerning clarity, which is related to the once it's granted, it isn't a problem any longer view of patents at the EPO, leading to a very formalistic, by-the-numbers examination of clarity at the EPO, without taking into account the actual purpose of the patent claims: determining whether there is infringement or not. There have of course always been outliers with respect to quality, individual examiners clearly unable and/or unwilling to do a proper work, and a clear lack of accountability of these examiners, but thankfully it has historically been a very small minority.

As far as my observations go:

During the Battistelli era, I have noticed a very clear degradation of quality in three aspects. The first is quality of search: I more and more often see other patent offices (mostly USPTO and China's SIPO, but even the New Zealand PO) come up with the "killer" prior art for applications that passed the EPO's search report with flying colours. This is of course intensely frustrating for my domestic clients, who choose to invest significant money in foreign filings based on the EPO's search report to see the application then squashed abroad. The second issue is an increasing tendency by examiners to "push" applications to grant, with examiner amendments that are too restrictive (without consulting me first), unwittingly introducing added matter and/or re-moralisation with and without a discussion with the representative. I'm losing count of the times I've had to file requests for correction of the text intended to grant due to an erroneous amendment by the examiner. The third issue is a worrying readiness to summon to oral proceedings as a means to pressure the representative to accept amendments proposed by the examiner. Requests to hold the OPs by videoconference are of course systematically denied without much reason, putting representatives not based in Munich or The Hague at a clear disadvantage.

Knowing the EPO's internal production evaluation system, it is quite clear that every one of these problems has Battistelli's productivity pressure at its source. Examiners pushed to churn out increasing numbers of "work products" (search reports and grants/refusals) at the end of the year cut corners in search at first, and then in the exchanges with the representative during examination. This has, in many ways, negative effects on applicants and professional representatives as much as on third parties. It appears that I'm not the only person working "at the coal face" of patent prosecution to be aware of these problems, and that we should start making our complaints better heard at the level of the AC.

Tuesday, 17 October 2017 at 08:25:00 BST

Anonymous said...

Happily, I must say, the quality of the EPO's patents may have declined. Funny is that when questioned Dr Ernst has nothing convincing to answer.

The reality at EPO today is simple: hundreds of EPO staff of each site come to work every day with pain in their stomach; hundreds are in treatment with psycho-therapists; hundreds take drugs to go to bed and other drugs to stand in the morning and be able to go to work.

You bet that they produce lower quality like hell since otherwise they fear reprimals via harsch sanctions in mock trials and are being put off work. All this was said by SUEPO to no avail for more than five years. All this is known by Dr Ernst which could not care less.

Yes the quality of patent at EPO is worse off than before Battistelli's time.

But have faith in the system: for his zealous and compliant attitude towards Battistelli Dr Ernst will soon be properly rewarded: he should get the position of VPS which will soon be vacant (when current VPS, another competent curator from the German Ministry of [injustice], retires).

All this is a sad cynical farce. They cannot care less about the quality of patent work at EPO. Only their little interests matter, not that of the Public, much less that of true inventors.

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Still examiner. said...

I would like to inform “glad to be out of the mad house” of our internal regulations. We are not supposed to write more than one communication as “speed of procedure” has top priority. Our new assistant, the so-called “Still examinations” is counting for our search report and I know of colleagues who were quietly suggested to retire because they were writing too many. Some directors did not apply this untold rule, but 60 or so directors are out of a job since last summer. Statistics on why these particular directors were sacked are not available. Part of their posts are still open.

So effectively, as an examiner, you cannot write extra communications. The only options are oral proceedings or grant with examiner written amendments. You can complain about to your earth’s content, it will have no effect. Our management has as much contempt for the applicants as for the staff. And why wouldn’t they? They are effectively immune to everything. The election of Campinos, a man with a career ridden with scandals should prove it.

About searches: the new examiners are only trained in our new system called ansera. It finds prior art mostly automatically, if you saw the results.

Een onwerkelijke situatie said...

@ Pudding

The current situation at the EPO is described in the Bijblad bij De Industriële Eigendom for April 2017.


“"The Administrative Council (AC) of the European Patent Organization (EPO) held it most recent meeting on 15 and 16 March 2017.

To begin, the AC has now lost a lot of ground only a year after the AC itself gave very clearly defined tasks to the EPO President Battistelli with a unanimous resolution. Due to his evident influence over a large group of smaller states Battistelli does not have to worry about the smaller group of larger critical patent countries (CH, NL, DE, FR, GB, SE). An unreal situation.”

Kant said...

The situation outline by “Still Examiner” is one which has been de facto situation in the USPTO. The difference is that in the US, the request for continued examination is available allowing applicant to continue the prosecution. It seems to me that the EPO MUST introduce such a procedure to compensate for the push for a streamlined examination.

Proof of the pudding said...

In the light of the comments on this thread (and on other blogs / sites that more directly address the issue of quality at the EPO), I find it interesting to null over the following points.

EPO fees have certainly not been reduced in recent years (in fact, they have gone in the opposite direction). However, the level of service provided by the EPO in return for fees paid by applicants has, despite the valiant efforts of many examiners, pretty much fallen off a cliff.

With grants and “efficiency” (ie cases “disposed of” per year) driven up under the current EPO management, it is clear that the net income from fees (ie gross income minus the costs of conducting the tasks for which those fees were paid) will be significantly increased for both the EPO and the EPC Member States.

This raises a number of questions.

Firstly, where is all of the additional income going, especially within the EPO?

Secondly, for how long will applicants continue to accept having to pay premium level fees for bargain basement level service?

Thirdly, where is the voice of the professional associations in all of this? I would have thought that at least the epi ought to be complaining long and hard (and publicly!) about the all too obvious drop in quality. And if they are not doing this, then why not?

At the end of the day, it is clear that a majority of EPC Member States are addicted to the fee income, and so care more about maintaining that income than they do about maintaining standards at the EPO (whether standards on quality or on fundamental issues of human rights). There is nothing to suggest that the Member States will change this of their own free will. Not even being dragged before the European Court of Human Rights has shamed them into taking action. But they will listen to those that pay the fees upon which they rely.

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The pink kitten said...

Gentlemen, I think it is time to realize that the war is lost.

I was at the lecture given by Christoph Ernst at the Max Plank Institute. In effect, he explained to the assembled representative of German applicants and attorneys that he did not care about their concerns and that he will do nothing.

Mr. Campinos track record at EUIPO makes it crystal clear that he is in the same boat as Battistelli. Don't expect any change in policy. Actually, expect the situation to become much worse.

In the administrative council, the following delegations have tried to oppose Battistelli's system: France (voted against policies and tried to pressure Battistelli), Switzerland (initiated the open letter from the Council), Denmark (removed Kongstad), Italy (presented another candidate), Netherlands (court cases and questions in the Hague), and a few I forgot (mainly in northern Europe, I think). Basically, all major Patent countries opposed Battistelli at some point, with the notable exception of the UK (Brexit did not help) and of course Germany. Correct me if I am wrong.

This achieved exactly nothing. The newly elected people are the same policy under a different name. The war is lost, there is no battle left to be fought.

What does this mean for the applicants? It means that for the same price as usual, you get a shoddy search and a language check. You get a piece of paper that is probably trivial to invalidate in court. And your own choice, is either this kind of patent or no patent at all. It may take a few years, but SMEs will start to realize that it is not worth the effort, so expect patent attorneys to feel a dearth of customers at that point. Unless they work for large applicants, maybe.

This what also means is that now, right at the center of Europe, we have a place were nobody needs to respect employment laws. People, including elected representatives and managers, can be harassed and fired at will without any consequences. Salaries can be halved, benefits can be cut and public holidays need not be granted. Independence of the judicial sends one next to a mad house, literally. Permanent contracts are revoked. Maybe demonstrating that this kind of “modernisation” of employment laws is possible right in the center of Europe was also part of the plan, I do not know.

Proof of the pudding said...

@The pink kitten

Whilst things may look very dark indeed, I am of the opinion that perseverance will see us through. This is not based upon blind optimism but rather a recognition that, in the end, we are dealing with politicians. This means that generation and application of appropriate "political" pressure ought to be more than capable of leading to a satisfactory outcome.

The complete silence and disengagement of the UK and German delegations to the AC are obviously a barrier to generating the necessary political pressure. However, the UK and German associations of professional representatives ought to be able to do something about that. CIPA, PAK, epi: this means you! Where is your voice? Are you not obliged to defend the interests of your members here (in view of the threat to the integrity and reputation of the patent system, as well as to the business that your members do with SMEs)?
Of course, the disinterest of the media is not only unhelpful but also (especially in Germany) slightly suspicious. What is needed here is a “hook” for a story that the media can run. This is where it may help to recall that one of the first steps undertaken by the current President was to remove any kind of independent oversight of the EPO’s financial dealings. It therefore stands to reason that, if there is any “dirt” to be found, it will be uncovered by looking into those dealings. We all know how certain sections of the media love stories about financial wrongdoing, especially within the privileged and elite world of Eurocrats.

None of this will be easy, especially for those inside of the EPO who are suffering right now (and who can be forgiven for giving up hope in the face of seemingly relentless and overwhelming force). But what we do at this critical time will determine the kind of European patent ecosphere that we will get for many decades. Do we want Europe-wide patent monopolies being handed out by an office whose governance has been completely corrupted, and where the concept of meaningful quality has been abandoned? What will happen to the economies of Europe if this continues? The stakes are simply too high to give up now.

Friday, 20 October 2017 at 12:17:00 BST
Anonymous said...

at The pink kitten said...

your diagnostic is correct, factually what you present is right. All that happens at EPO can be technically described as matching the description of a true authoritarian regime under which individuals and acting rogue has become the norm. If this would happen in western EU countries the decision takers (Battistelli, VP4, VP5, Bergot and her management) would have been brought to courts and sentenced, no doubts.

This being said what will happen in the future at EPO is unknown. Nothing is carved in stone one way or another. It can be the same, better even worse.

Currently it seems that the public (IP media at least) is starting to realise that Germany (via the excellent Dr Ernst) is selling the EPO in exchange for a soon-to-become-available VPS-position-at-epo (in which he will probably double his income).

Public interests some said in the room ? very drole.

What will Campinos do? perhaps follow the path of Battistelli perhaps also not. We should not charge him as guilty before he has even arrived at EPO. We know who he is and what he did but not what he will do.

Future will tell, soon. Do not forget that Campinos will also have to live with Battistelli’s toxic legacy and it is likely that more social casualties happen when he arrives since the canel’s back is close to broken and the number of strained staff far too high for too long (do not forget that suicide nr 7th was avoided 3 weeks ago in The Hague).

At some point (suicide nr 8, 9, 15 perhaps) they will have to do something. The terrible thing is both the apathy of EPO staff most of whom live in denial (maybe as a form of protection but still) and that of middle management (always prone to follow orders no matter how noxious HR policies may be).

As as to the quality of patent: well no one cares so why should you !

Friday, 20 October 2017 at 12:26:00 BST
Anonymous said...

Article about the official position of SUEPO on the election of Mr Campinos

As one will see the Battistelli’s legacy Mr Campinos will have to deal with is heavy and toxic. This being as a professional social partner SUEPO shows here what can be qualified as a pragmatic and reasonable approach: first pose a diagnosis, then indicate possible ways to mitigate and most of all give Campinos the benefit of the doubt as to his intentions and future actions.

Thanks for having had the guts to take such position under the current circumstances. I am proud to be member of SUEPO.

Friday, 20 October 2017 at 12:33:00 BST
MaxDrei said...

Pink, you set me thinking.

The itinerant (citizen of nowhere) and sociopathic volume users of the EPO, the multi-national corporations, the Global Titans, they pay virtually no taxes anywhere. So, of course, the EPC Member States tax them through EPO fees.

Big Corp is happy to pay. Those outrageous EPO fees deter the pesky SME’s from filing.

Also the disappearing presumption of validity of EPO grants is something that suits Big Corp. It renders it all but impossible for an SME to use a patent against a volume user.

Also labour rights at the EPO. Sociopaths don’t give a fig about any abuses.

So what to expect from the AC, the new Chair and the new EPO President? More of the same, as you surmise. Proud to be European? Not so much, these days. Will nobody in a position of responsibility defend any longer human rights and the Rule of Law? Or do we have to lose these precious things before we realise what we have squandered?

Friday, 20 October 2017 at 12:46:00 BST
The pink kitten said...

The disinterest of the media is more than slightly suspicious. Journalists who wrote about the EPO were changed posts.

As to what will happen to the economies of Europe, we know from what happened to the economy of the USA 10-15 years ago. Small and medium enterprises disappeared, the number of hands and production of goods moved to China. Then they elected Trump. Patents are only a little part of that story of course and yes, it is worth fighting for, but how? And what are we exactly fighting against?

Battistelli is a freemason, just look at the ring he wears. Did you know that Campinos is a freemason as well?

Friday, 20 October 2017 at 13:21:00 BST
Proof of the pudding said...

@The pink kitten

It is perhaps possible that the involvement of freemasonry can provide an explanation for some of the curious things that have happened in (or in connection with) the EPO. However, that is no reason to get disheartened. There is a difficulty faced by any organisation that tries (covertly) to manipulate events against the public interest. That is, there are more of “us” than there are of “them”... meaning that, ultimately, “they” cannot keep a determined “us” down.

Friday, 20 October 2017 at 14:47:00 BST
MaxDrei said...

I realise, Pink, one must be cautious about “conspiracy theories” but on the subject of the USA you have to wonder about some of the provisions implemented in the AIA, and whether they benefit Big Corp or the SME’s.

Consider for example what constitutes the prior art.

Everything unpublished at the date of the claim, but filed earlier, anywhere in the world, in whatever language, is available for both novelty and obviousness attacks on that claim. Everything, that is, except your own earlier filings. They are exempt.
Thus, bulk filers, the Goliaths of the patent world, can build up impenetrable thickets of overlapping patent rights. And Little David? Everything he files gets whacked as obvious by all the stuff the volume filers filed already, right up to one day before.

How long before the EPC Member States change the EPC in the same way, at the behest of the lobbyists? Has it not started already. Consider: Prof Dr Willem Hoyng, that very prominent patent litigator, is saying that Art 54(3) has to be strengthened, its scope widened, to embrace more than strict novelty.

Friday, 20 October 2017 at 15:43:00 BST
MaxDrei said...
I said above that the Big Corporate Fish don't care about abuses of human rights at the EPO. I was wrong. They do care. If the EPC Member States evidently abuse their own employees, it becomes hypocritical of elected Governments to criticise Big Corp, when it, in turn, abuses the rights of its own employees.

This neutering of any political criticism of labour abuses in multi-national corporations is extremely useful for them and their lobbyist forces.

Thus, for the EPO's paymasters, the more human rights abuse of employees at the EPO, the better. Shame on you, Member States, in the pockets of the sociopathic multi-national corporations.

Friday, 20 October 2017 at 22:23:00 BST
Anonymous said...

at The pink kitten said...

please do not spread fake info of the kind wrt Battistelli's ring.

His cheap ring is called a chevaliere. This is a pleb ring which no decent frenchman mastering etiquette would wear for at least forty years (except in the deep countryside province). It is a sign of utterly bad taste, as is, his pathetic golden Hermes belt which again no one disposing upon a decent education would wear since the 1970s.

Battistelli is what is called in FR a prolo. A man with no education and no behavior.

As to the Masonery. No one knows (by nature unless he reveals it which is not the case) if he is a free mason but many speculate. Even if he was, all what he did to the EPO has nothing to do with Masonery but with his cheap behaviour.

Do not forget that when he candicated for the position of VP1 (when FR ex VP1 Mr Michel retired about 13 years ago) the EPO organised for once (and never again) a real high level assessment center (with Roland Berger). Believe it or not: Battistelli was the ONLY candidate classified as totally unsuited for the position of VP (in particular for his obvious lack of social skills and arrogant behaviour).

Few years after, after 30 rounds or more of votes he was elected president. He owes his position to the activism of Sarkozy.

So Pink there is no illuminati involved nor Opus Dei as many wrongly speculate. This pathetically human and cheap human in the very case of Battistelli.

Friday, 20 October 2017 at 23:18:00 BST
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So Pink there is no illuminati involved nor Opus Dei as many wrongly speculate. This pathetically human and cheap human in the very case of Battistelli.